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PTO/SB/30 (08-00)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

| | |
|-------------------------------|--------------------|
| <i>Application Number</i> | 09/779,389 |
| <i>Filing Date</i> | February 7, 2001 |
| <i>Examiner Name</i> | Tomas H.F. Friend |
| <i>First Named Inventor</i> | Rothbard, Jonathan |
| <i>Group Art Unit</i> | 1639 |
| <i>Attorney Docket Number</i> | 018547-040820US |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-1430
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other Suspension Fee (37 C.F.R. § 1.17(i) required)
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|--------------------|--------------------|-----------------------------------|-------------------|
| Name (Print /Type) | William Schmonsees | Registration No. (Attorney/Agent) | 31,796 |
| Signature | | Date | February 24, 2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: 2/24/03

| | |
|--------------------|---------------|
| Name (Print /Type) | Kristi Coplin |
| Signature | |

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03/04/2003 AWONDRK B20000104 201430 09779389

01 FC:1801 750.00 CH
02 FC:1460 130.00 CH



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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|---|------------------------|-----------------|
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 018547-040820US |
|--|---|------------------------|-----------------|

ENCLOSURES (Check all that apply)

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Request for Continued Examination (RCE) Return Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| | Remarks | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|--------------------|--|--|
| Firm or Individual | Townsend and Townsend and Crew LLP William Schmonsees | |
| Signature | | |
| Date | February 24, 2003 | |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: February 24, 2003

| | | | |
|------------------|---------------|------|-------------------|
| Typed or printed | Kristi Coplin | | |
| Signature | | Date | February 24, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 750)

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 09/779,389 |
| Filing Date | February 7, 2001 |
| First Named Inventor | Rothbard, Jonathan |
| Examiner Name | Tomas H.F. Friend |
| Group Art Unit | 1639 |
| Attorney Docket No. | 018547-040820US |

| METHOD OF PAYMENT (check all that apply) | | | | |
|--|---|-------------------------------------|--------------------------------|--|
| <input type="checkbox"/> Check | <input type="checkbox"/> Credit Card | <input type="checkbox"/> MoneyOrder | <input type="checkbox"/> Other | <input type="checkbox"/> None |
| <input checked="" type="checkbox"/> Deposit Account: | | | | |
| Deposit Account Number | 20-1430 | | | |
| Deposit Account Name | Townsend and Townsend and Crew LLP | | | |
| The Commissioner is authorized to: (check all that apply) | | | | |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below | <input checked="" type="checkbox"/> Credit any overpayments | | | |
| <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application | | | | |
| <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. | | | | |
| FEE CALCULATION | | | | |
| 1. BASIC FILING FEE | | | | |
| Large Entity | Small Entity | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
| 1001 | 750 | 2001 | 375 | Utility filing fee |
| 1002 | 330 | 2002 | 165 | Design filing fee |
| 1003 | 520 | 2003 | 260 | Plant filing fee |
| 1004 | 750 | 2004 | 375 | Reissue filing fee |
| 1005 | 160 | 2005 | 80 | Provisional filing fee |
| SUBTOTAL (1) | | | (\$) | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | | | | |
| Total Claims | -** | = | Extra Claims | Fees from below |
| Independent Claims | -** | = | X | = |
| Multiple Dependent | X | = | | |
| Large Entity | Small Entity | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | | (\$) | |

**or number previously paid, if greater; For Reissues, see above

| FEE CALCULATION (continued) | | | | |
|--|--------------|--------------|-----------------|--|
| 3. ADDITIONAL FEES | Large Entity | Small Entity | Fee Description | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Paid |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 1053 | 130 | Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month |
| 1401 | 320 | 2401 | 160 | Notice of Appeal |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal |
| 1403 | 280 | 2403 | 140 | Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable |
| 1453 | 1,300 | 2453 | 650 | Petition to revive – unintentional |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) |
| 1502 | 470 | 2502 | 235 | Design issue fee |
| 1503 | 630 | 2503 | 315 | Plant issue fee |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |
| Other fee (specify) —Suspension of action Under 37 C.F.R. 1.103(c) (Fee Under 37 C.F.R. § 1.17(i) required) | | | | 130 |
| Reduced by Basic Filing Fee Paid | | | SUBTOTAL (3) | (\$880) |

| SUBMITTED BY | | | | | |
|-------------------|--------------------|-----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | William Schmonsees | Registration No. (Attorney/Agent) | 31,796 | Telephone | 650-326-2400 |
| Signature | | | | Date | February 24, 2003 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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